

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6934**

**BILL NUMBER:** SB 349

**NOTE PREPARED:** Jan 28, 2014

**BILL AMENDED:** Jan 24, 2014

**SUBJECT:** Telephone Solicitations.

**FIRST AUTHOR:** Sen. Merritt

**FIRST SPONSOR:**

**BILL STATUS:** 2<sup>nd</sup> Reading - 1<sup>st</sup> House

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
☐ **FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) This bill amends the statute governing telephone solicitations of consumers (Indiana's "Do Not Call" statute) to provide that certain prohibitions that apply to telephone solicitors also apply to: (1) suppliers in consumer transactions; and (2) callers in commercial telephone solicitations.

The bill adds a new prohibition to provide that a telephone solicitor, a supplier, or a caller may not sell, transfer, or make available to another person for solicitation purposes a consumer's telephone number if the telephone number appears in the most current "Do Not Call" listing.

It adds a provision to prohibit the following:

- (1) A telephone solicitor, a supplier, or a caller from transferring a live call to one or more other persons if the call has been placed to a consumer in violation of the "Do Not Call" statute or the statute governing the regulation of automatic dialing machines.
- (2) A telephone solicitor, a supplier, or a caller from providing substantial assistance or support to another person if the telephone solicitor, supplier, or caller knows or consciously avoids knowing that the person has violated the "Do Not Call" statute or the statute governing the regulation of automatic dialing machines.

The bill makes conforming amendments to the "Do Not Call" statute's civil remedies provisions.

**Effective Date:** July 1, 2014.

**Explanation of State Expenditures:** The Attorney General (AG ) will incur some administrative expenses

relating to the revision of publications and the AG's website. In addition, this bill may result in additional enforcement actions. The AG's current level of resources may be sufficient to implement this bill.

[In 2013, the AG's office has received about 13,278 "Do Not Call" list violation complaints.]

**Explanation of State Revenues:** If the number of deceptive acts relating to telephone solicitations increases, it may increase revenue to the Telephone Solicitation Fund and the state General Fund. Under current law, a deceptive act relating to telephone solicitations is punishable with a civil penalty of up to \$10,000 for the first violation and up to \$25,000 for each violation after the first. The actual increases in revenue are indeterminable.

The civil penalties under this article are deposited in the Telephone Solicitation Fund. If the fund balance at the end of the fiscal year exceeds \$200,000, the excess from the fund will be transferred to the state General Fund.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Office of the Attorney General.

**Local Agencies Affected:**

**Information Sources:** Office of the Attorney General, *Indiana Attorney General's Office Year End Statistics*, December 27, 2013, retrieved on January 2, 2014, accessed at [http://www.in.gov/activecalendar/EventList.aspx?view=EventDetails&eventidn=152759&information\\_id=192771&type=&syndicate=syndicate](http://www.in.gov/activecalendar/EventList.aspx?view=EventDetails&eventidn=152759&information_id=192771&type=&syndicate=syndicate).

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